

Notice of Allowability	Application No.	Applicant(s)	
	09/604,112	SZEWERENKO ET AL.	
	Examiner	Art Unit	
	Qamrun Nahar	2124	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed on 8/13/04.
2. ☒ The allowed claim(s) is/are 1-6,8-13 and 15-20.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

1. This action is in response to the RCE filed on 8/13/04.
2. The amendment filed on 6/17/04 has been entered.
3. The objection to the drawings is withdrawn in view of applicant's amendment and remarks/arguments.
4. The objection to claim 14 is moot in view of applicant's amendment.
5. The rejection under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement to claims 1 and 16-17 is withdrawn in view of applicant's amendment.
6. The rejection under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement to claims 1 and 16-17 is withdrawn in view of applicant's amendment.
7. The rejection under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement to claims 18-20 is withdrawn in view of applicant's remarks/arguments.
8. The rejection under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement to claims 18-20 is withdrawn in view of applicant's remarks/arguments.
9. The rejection under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention to claims 1 and 16-20 is withdrawn in view of applicant's amendment and remarks/arguments.
10. The rejection under 35 U.S.C. 103(a) as being unpatentable over Lawrence et al. (U.S. Pat. No. 5,519,866) (hereafter Lawrence) in view of McLain, Jr. (U.S. Pat. No. 5,956,513) (hereafter McLain) to claims 1-6, 8-9 and 12-20 is withdrawn in view of applicant's amendment and remarks/arguments.

Art Unit: 2124

11. The rejection under 35 U.S.C. 103(a) as being unpatentable over Lawrence in view of McLain, as applied to claim 2 above, and further in view of Draves (U.S. Pat. No. 5,950,221) to claims 10 and 11 is withdrawn in view of applicant's amendment and remarks/arguments.
12. Claim 14 has been cancelled.
13. Claims 1, 15-16 and 19 have been amended.
14. Claims 1-6, 8-13 and 15-20 are pending.
15. Claims 1-6, 8-13 and 15-20 are allowed.

Drawings

16. The drawing corrections filed on 6/17/04 have been approved. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because corrected drawings as "replacement sheets" must be submitted. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

Replacement Drawing Sheets

Drawing changes must be made by presenting replacement figures which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments, or remarks, section of the amendment. Any replacement drawing sheet must be identified in the top margin as "Replacement Sheet" (37 CFR 1.121(d)) and include all of the figures appearing on the immediate prior version of the sheet,

Art Unit: 2124

even though only one figure may be amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin.

Annotated Drawing Sheets

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheets must be clearly labeled as "Annotated Marked-up Drawings" and accompany the replacement sheets.

Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

REASONS FOR ALLOWANCE

17. The following is an examiner's statement of reasons for allowance:

The cited prior art taken alone or in combination fail to teach, in combination with the other claimed limitations, an incomplete link module, wherein said incomplete link comprises allocation information on those sections that are allocated by said allocation module and those that have not yet been allocated without actually completing the link; said allocation information including the allocated position and size of those sections that are allocated to said different

Art Unit: 2124

target memories or report to client programs current allocation state inclusive of allocation errors and sections not yet allocated as substantially recited in independent claims 1, 2 and 18.

The closest cited prior arts, the combination of Lawrence and McLain teaches a method of incrementally and interactively allocating code and data sections. However, the combination of Lawrence and McLain fail to teach an incomplete link module, wherein said incomplete link comprises allocation information on those sections that are allocated by said allocation module and those that have not yet been allocated without actually completing the link; said allocation information including the allocated position and size of those sections that are allocated to said different target memories; and report to client programs current allocation state inclusive of allocation errors and sections not yet allocated as substantially recited in independent claims 1, 2 and 18; and as pointed out by the applicant's remarks/arguments on pg. 10, par. 1; pg. 12, par. 2 to par. 4; and pg. 13, par. 4.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

18. Any inquiry concerning this communication from the examiner should be directed to Qamrun Nahar whose telephone number is (703) 305-7699 ***if calling before October 28, 2004***; otherwise ***if calling on or after October 28, 2004***, then the telephone number is (571)272-3730.

Art Unit: 2124

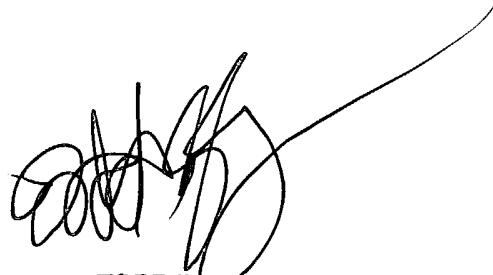
The examiner can normally be reached on Mondays through Thursdays from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki, can be reached on (703) 305-9662. The fax phone number for the organization where this application or processing is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

QN
September 22, 2004



TODD INGBERG
PRIMARY EXAMINER